

# THE HABITAT

A newsletter of the Connecticut Association of Conservation and Inland Wetlands Commissions, Inc.



SPRING 2011

volume 23 number 1

## Habitat Conservation Begins at the Municipal Level

by Milan G. Bull

Spring is in full bloom, Trillium and Blood Root add color to the forest floor, and the beautiful, flute-like song of the Wood Thrush rings through the woods like a hymn of praise.



Brown Thrasher  
Photo Credit: Paul Fusco, CT DEP Photographer and Editor, Connecticut Wildlife

It all looks so perfect, but is it? With nearly 50% of our birds in decline, it pays for us to take a closer look at exactly how efficient our protected lands are at conserving birds and their habitats.

We now know, for example, that some forest birds, like the Wood Thrush, require hundreds of acres of unfragmented forest

in order to reproduce productively. In other words, the thrush that nests in your town park cannot fledge enough young each year to offset the natural mortality of the species due to elevated numbers of raccoons, housecats and other predators that like to associate with people and their neighborhoods. Therefore, as we continue to sprawl our developments through the forest, many of our birds decline. Case in point – have you seen many Ruffed Grouse around lately?

The key to habitat protection begins at home, at the municipal level. All present and future protected land, whether large acreages or small, are in someone's municipality and that is exactly where our planning and acquisition effort need to be focused.

Currently, much of land acquisition, at both the state and municipal level is a reactive process. More often than not, only when a property is offered up for sale is it considered by the town or the state for acquisition. This shortsighted approach attempts to squeeze habitat protection into land that just happens to be available for sale. Not every open space acquisition provides suitable habitat protection for many of our declining native bird species. More often, wildlife habitat is just one item on a long list of criteria favoring acquisition that includes

*“Conservation Commissions and Town Planners would best serve the conservation community and the public by working first to identify and prioritize important habitat areas for protection, then for compatible uses.”*

horseback riding, camping, dog walking, ball fields, and other forms of public recreation. These are sometimes, but not always, compatible with habitat

protection. There is some concern that biodiversity declines as public recreation increases on protected open spaces. The Trout Brook Valley (TBV) acquisition in Easton and Weston may serve as an example. This 700 plus acre preserve was purchased by the State of Connecticut, The Nature

*conservation, continued, page 13*

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# CACWIC News Briefings

With this issue of *The Habitat*, the CACIWC Board of Directors is introducing a new column, entitled *CACIWC NEWS BRIEFINGS*, designed to provide conservation and wetlands commissioners, agents, directors and other readers with highlights of recent decisions and other news from our board and committee meetings. We hope that you will find this column informative. Please do not hesitate to contact us via email at [board@caciwc.org](mailto:board@caciwc.org) if you have any questions or comments on these items.

Thank you - Alan J. Siniscalchi, President

1. The CACIWC Board of Directors is very pleased to invite you to our **34<sup>th</sup> Annual Meeting and Environmental Conference** now scheduled for Saturday, November 12, 2011 at MountainRidge in Wallingford, CT. The Annual Meeting Committee is already working to recruit another series of informative speakers and workshop leaders. Watch for additional news in the next issue of *The Habitat* and on our website: [www.caciwc.org](http://www.caciwc.org).

2. To ensure that we are providing topics of interest to our members, the Board is encouraging readers to submit **ideas for workshop topics, speakers, and displays** to us at: [AnnualMtg@caciwc.org](mailto:AnnualMtg@caciwc.org). Please let us know of your suggestions!

3. The Annual Meeting Committee is currently evaluating **registration fees** for our 2011 Meeting. The Committee plans to offer reduced registration fee to members from town commissions who are current with their membership dues. (Please see the list of current member commissions in this issue.) It's not too late to pay your 2010-2011 dues!

4. **Membership dues** are an essential part of our operating budget. They support various CACIWC programs including our Annual Meeting, educational materials, and *The Habitat*. You will be receiving a reminder and renewal form next month for the 2011-2012 membership year, which begins on July 1, 2011. Additional information can be found on our website: [www.caciwc.org](http://www.caciwc.org).

5. Would you like to serve on the CACIWC Board of Directors? A full board strengthens our ability to represent the needs and concerns of our member towns and commissions. The CACIWC board is comprised of four officers, and both a regular and alternate county representative. **Board vacancies** have occurred or are anticipated in all eight counties. Our bylaws specify that any past or present member of Connecticut conservation or inland wetlands commissions or their agent are eligible serve. Please submit your name to be considered for nomination at: [board@caciwc.org](mailto:board@caciwc.org) Let us know if you currently do not have time to serve on the board, but wish to volunteer in support of our many administrative, education, and outreach activities.

Thank you for your interest in CACIWC! 

## 2010-2011 Membership

## Is Your Commission Here?

Andover	CC		Groton	CC	Ridgefield	Z+IW
Ashford	IW		Groton	IW	Ridgefield	CC
Ashford	CC		Haddam	CC	Roxbury	IW
Avon	CC		Haddam	IW	Roxbury	CC
Avon	IW		Hamden	CC	Salem	CC+IW (SUS)
Beacon Falls	CC		Hamden	IW	Shelton	CC
Beacon Falls	IW		Hampton	CC	Shelton	IW
Bethany	CC (SUS)		Hampton	IW (SUS)	Sherman	CC
Bethany	IW (SUS)		Harwinton	IW	Sherman	IW
Bethel	IW		Hebron	CC	Simsbury	CC+IW
Bolton	IW		Kent	CC	South Windsor	CC+IW
Bolton	CC		Kent	IW	Southbury	IW
Branford	CC		Killingworth	CC	Southington	CC+IW (SUS)
Bristol	CC+IW		Lebanon	CC	Sprague	CC+IW (SUS)
Brookfield	CC		Lebanon	IW	Sterling	IW
Brookfield	IW		Ledyard	IW	Stonington	IW
Burlington	IW		Lisbon	CC	Stonington	CC (SUS)
Canterbury	IW		Litchfield	IW	Stratford	CC
Canton	IW		Lyme	CC+IW	Stratford	IW
Chaplin	IW		Madison	IW	Suffield	CC
Chaplin	CC		Manchester	CC	Thomaston	IW
Cheshire	CC		Manchester	Z+IW	Thompson	IW
Cheshire	IW		Mansfield	Z+IW	Thompson	CC
Chester	IW		Marlborough	CC	Tolland	IW
Clinton	CC+IW		Meriden	CC	Tolland	CC
Coventry	CC		Meriden	IW	Trumbull	IW
Coventry	IW		Middlebury	CC	Trumbull	CC
Cromwell	IW		Middlefield	IW	Vernon	CC
Cromwell	CC		Milford	IW	Vernon	IW
Darien	CC+IW (SUS)		Milford	CC	Wallingford	CC
Deep River	CC+IW		Montville	IW	Wallingford	IW
Durham	CC (SUS)		New Canaan	Z+IW	Warren	CC+IW (SUS)
Durham	IW		New Canaan	CC	Washington	IW
East Haddam	IW		New Hartford	CC	Waterford	CC (SUS)
East Haddam	CC		New Hartford	IW	Watertown	CC+IW
East Hampton	IW		New London	CC+IW	Westbrook	CC (SUS)
East Hampton	CC		New Milford	CC	Westbrook	IW
East Lyme	CC		New Milford	IW	Weston	CC
East Lyme	IW		Norfolk	CC	Westport	CC+IW
East Windsor	CC+IW		North Haven	IW	Wethersfield	IW
Eastford	CC		North Stonington	CC	Willington	CC
Eastford	IW		North Stonington	IW	Willington	IW
Easton	CC+IW		Norwalk	IW (SUS)	Wilton	IW
Ellington	IW		Old Lyme	IW	Wilton	CC
Ellington	CC		Old Saybrook	CC (SUS)	Winchester	CC
Enfield	CC		Old Saybrook	IW (SUS)	Winchester	IW
Enfield	IW		Oxford	CC+IW (SUS)	Windsor	CC
Farmington	CC		Plainfield	IW	Windsor	IW
Farmington	Z+IW		Plainfield	CC	Windsor Locks	IW
Glastonbury	CC+IW (SUS)		Plainville	IW	Windsor Locks	CC
Goshen	CC		Plainville	CC	Woodbridge	IW
Goshen	IW		Pomfret	CC	Woodbridge	CC
Granby	CC		Pomfret	IW	Woodbury	CC (SUS)
Granby	IW		Prospect	CC (SUS)	Woodbury	IW (SUS)
Greenwich	IW (SUS)		Prospect	IW (SUS)		
Greenwich	CC (SUS)		Redding	CC+IW (SUS)		

WE APPRECIATE YOUR SUPPORT! THANK YOU!

As of our March 15, 2011 records, the Town commissions above have supported CACIWC through membership dues for the 2010-2011 fiscal year (July 1, 2010 – June 30, 2011). If your Commission is not on the list please encourage your commission to join. For a membership form go to [caciwc.org](http://caciwc.org), About CACIWC, scroll to membership and download form; or email [todell@snet.net](mailto:todell@snet.net). If we are in error we apologize and would appreciate knowing. Member Commissions receive a copy of *The Habitat* for each commissioner if dues have been paid. Please consider joining as a sustaining member.

CC = Conservation Comm.    CC+IW = Combined Comm.    IW = Inland Wetlands Comm.    Z+IW = Zoning/ Inland Wetlands



### Forestry and the Wetlands Act

**F**orestry is another one of the activities that is, at least in part, covered by the exemption provisions of the wetlands act. I've written a number of articles on the farming exemption in this column. Forestry is a form of agriculture, as far as the legislature is concerned. The statutory definition of "agriculture" and "farming," found in CT General Statutes § 1-1(q), "shall include . . . forestry . . ." *If your agency has adopted the 2006 DEP Model Regulations, you will find § 1-1(q) as an appendix to your regulations.* If a regulatory scheme hasn't established a definition of "agriculture," then the general definition will apply. The wetlands act hasn't, so § 1-1(q) is the place to look. End of discussion. Your agency cannot exclude forestry from the definition of agriculture.

Again, as with farming proposals, the wetlands agency determines whether the activity is exempt. Maybe your agency calls it a "jurisdictional ruling" or a "determination of exemption." Hopefully, the agency is not requiring the use of a permit application. That will confuse the agency members into thinking that they consider alternatives and revise the proposal. This is an up-or-down decision: it falls within the exemption or it does not. The challenging part, as with all agricultural activities, is determining whether *all* of the activities associated with the forestry operation are exempt, or if some are not included within the exemption provision, and thus still require a permit.

Section 22a-40 (a) in the wetlands act sets forth the exemption provision, also known as the activities permitted as of right. That means, if the activity falls within the activities listed, no wetlands permit is necessary. That is because wetlands agencies have authority over "regulated activities" which specifically exclude the activities listed in § 22a-40 (a). Either an activity is "regulated," and thus requires a permit, or it is exempt, and does not.

*If the "activity" consists of many individual activities, you evaluate each activity separately. For example, let's say that the proposal includes (1) planting of*

*blueberry bushes and fruit trees, (2) construction of a barn, (3) road construction directly related to getting the fruit to and from the barn, and (4) construction of a small dwelling for the farm family to live in. You are not free to determine that the entire proposal requires a permit because the construction of the house does not fall within the agricultural exemption.*

DEP has created a resource that is very helpful to agencies and foresters conducting timber harvests: *Best Management Practices, 2007 Connecticut Field Guide*. This can be found on the DEP website at: [www.ct.gov/dep/lib/dep/forestry/best\\_management\\_practices/best\\_practicesmanual.pdf](http://www.ct.gov/dep/lib/dep/forestry/best_management_practices/best_practicesmanual.pdf). The resource offers guidance, not regulations. Its stated objective is "to have an economically viable timber harvest that protects water quality and site productivity." The BMPs publication does not establish one uniform approach to conducting a timber harvest. Foresters who rely on that document to "authorize" their activities are mistaken. The wetlands agency has the right to determine whether activities fall within the exemption. On the other hand, agencies cannot use the BMPs manual to create a list of conditions that a forester must comply with, if the operations fall within the exemption.

Applying the exemption provision to a forestry operation, just like a traditional farming operation, involves a 2-step process. Step (1): Does the activity fall within the first sentence of § 22a-40(a)(1): "Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less . . ." The answer is yes, because as stated above, agriculture is defined to include forestry. Step (2): Does the second sentence of § 22a-40(a)(1) cause the activity to be removed from the exemption provision and brought back into the sphere of regulated activity? The second sentence reads: "*The provisions of this subdivision shall not be construed to include **road construction** or the erection of buildings **not directly related to the farming operation**, relocation of watercourses with continual flow,*

*forestry, continued next page*

forestry, continued from page 4

**filling** or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale.”

(I’ll explain in this article why I put certain words in boldface print.)

One activity commonly part of a timber harvest operation that is not common to a farming proposal is the use of temporary portable bridges, skid roads, “corduroy,” etc. I hesitate to use the word “construction.” The temporary access way is kept in place just as long as needed for the timber harvest. The felling of the trees is surely included in the meaning of “forestry.” What about the ability to remove the felled trees from the property and sell the product? Isn’t that integral to the forestry operation? DEP has gathered information anecdotally at two wetlands training conferences almost a decade apart, yielding the same results: *half the wetlands agencies determine the temporary road measures require a permit and half do not.*

For the agencies that determine the temporary road access activities do require a permit, possibly they rely on the word “fill” in the statute (see the boldfaced word “fill” in the statute above) to support their decision. They conclude that the placing of temporary portable bridges, “corduroy” and the like, despite being temporary and being totally removable, are “fill.” Other agencies may look to the phrase “road construction . . . not directly related to the farming operation” (see the boldfaced word “fill” in the statute above). Here the reasoning gets murky. Some agencies would allow road construction if no materials were used in the road construction, because the materials = fill,

which is referred to later in that same sentence (see above). I have heard Steve Tessitore, municipal liaison at DEP, espouse this position on a number of occasions. His position: if someone can use floodplain soils to drive a vehicle across, that road construction is allowed. However, to me, use of floodplain soils is not the construction of a road. The use of the word “construction” implies the use of materials. Steve and I agree to disagree on this point. With Steve’s final thought -- that’s what the courts are for. On that point, we agree.

This spring the state Supreme Court is scheduled to hear oral argument in a farming exemption case. The issue is whether, as a matter of law, the construction of a farm road that will use fill in making the road, is an exempt activity. It may not answer the question that arises in a timber harvest context, but it will likely shed some light on future exemption issues.

DEP defers to municipal agencies to determine whether these temporary roads are within the farming exemption. With 169 municipalities and the 50-50 split that DEP has found to exist regarding municipal determinations on temporary roads for timber harvests, there is too much variation. I’ve concluded in a previous article on the farming exemption with the notion that the wetlands act should be amended with clear language establishing the procedure and the activities that are exempt. An exemption provision that allows such seemingly contradictory results from town to town is irrational and not in the public interest. I continue to believe that an amended statute would benefit the agencies, the farming and timber producers and the public.

Janet P. Brooks practices law in East Berlin. You can read her blog at: [www.ctwetlandslaw.com](http://www.ctwetlandslaw.com).



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# 2011 Is the Year of the Turtle

## DEP to Increase Awareness of Turtle Conservation in Connecticut

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**T**urtles are in trouble. Because of the issues surrounding turtles and the need to raise awareness, Partners in Amphibian and Reptile Conservation (PARC), of which the Connecticut Department of Environmental Protection (DEP) has been a member since 1999, has proclaimed 2011 as the Year of the Turtle. Through outreach efforts to researchers, educators, natural resource managers, and the public, the “Year of the Turtle” campaign aims to increase U.S. involvement in local-to-national turtle issues. State and federal wildlife agencies, along with several conservation and turtle organizations, are partnering with PARC to help spread the word about the plight of turtles.

“The DEP Wildlife Division also has made a commitment to inform Connecticut residents about the state’s native turtles through monthly press releases, articles and species profiles in issues of our bimonthly magazine, Connecticut Wildlife, a children’s art contest, and related events,” said Rick Jacobson, Director of the DEP Wildlife Division.

Currently, 328 species of turtles are known worldwide -- 57 (20% of the world’s turtle species) are found in the United States and Canada. The United States has more native turtle species than any other country; it is a turtle biodiversity hotspot. Twelve turtle species (including four sea turtles) occur in Connecticut. Seven of these turtles are currently on the state’s List of Endangered, Threatened and Special Concern Species.

### Connecticut’s Native Turtle Species

Bog Turtle (*endangered*)

Common Musk Turtle

Eastern Box Turtle (*special concern*)

Common Snapping Turtle

Wood Turtle (*special concern*)

Painted Turtle

Atlantic Green Sea Turtle (*threatened*)

Spotted Turtle

Atlantic Ridley Sea Turtle (*endangered*)

Northern Diamondback Terrapin

Leatherback Sea Turtle (*endangered*)

Loggerhead Sea Turtle (*threatened*)

Turtles (which include tortoises) occur in fresh water, salt water, and on land. Their shells make them some of the most distinctive animals on Earth. Turtles are typically slow creatures. This isn’t limited to their speed; they also grow slowly. It may take 10-15 years before individuals of some species can reproduce. A thriving turtle population relies on turtles surviving many years, if not decades. But if a population loses adults and begins to decline, a slow recovery can be expected. Because of these “slow” characteristics, the primary threats to turtles are intensified.

### Threats to U.S. Turtles

Humans cause the largest harm to turtle populations, but we have the power to make positive changes toward turtle survival. The largest threats to turtle populations include:

- Habitat loss and degradation;
- Overharvest of wild turtles for food, traditional medicines, and pets;
- Mortality from roads, agricultural machinery, fishing by catch, and predators;
- Exotic invasive species and diseases;
- Loss of unique genetic makeup due to hybridization; and
- Climate change.

### Conservation Action Can Help

Careful stewardship and conservation action can successfully slow or reduce the declining trend of turtles. Because turtles can respond well to population management and conservation, it is not too late to preserve our turtle heritage. Three basic approaches for species conservation include:

- Protecting rare species and their habitats;
- Managing common turtle species and their habitats so that they remain common; and
- Managing crisis situations, such as species in peril from acute hazards, such as oil spills.

Important progress is already being made in the United States. The freshwater turtle science and conservation community, in conjunction with state and federal wildlife agencies, recently developed

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recommendations for managing freshwater and land turtle populations. These recommendations include better monitoring and tracking of turtle harvests, as well as the need for more long-term population studies on wild turtles.

Look for more information to come about turtles and turtle conservation in Connecticut. One of the best ways to learn more about turtles during the "Year of the Turtle" is to subscribe to the DEP's Connecticut Wildlife magazine ([www.ct.gov/dep/wildlifemagazine](http://www.ct.gov/dep/wildlifemagazine)). You also can visit PARC's Web site at [www.yearoftheturtle.org](http://www.yearoftheturtle.org), as well as the Year of the Turtle page on the DEP's Web site ([www.ct.gov/dep/yearofturtle](http://www.ct.gov/dep/yearofturtle)).

### What Is PARC?

Partners in Amphibian and Reptile Conservation (PARC) is an inclusive partnership dedicated to the conservation of the herpetofauna--reptiles and amphibians--and their habitats. Membership comes from all walks of life and includes individuals from state and federal agencies, conservation organizations,

museums, pet trade industry, nature centers, zoos, energy industry, universities, herpetological organizations, research laboratories, forest industries, and environmental consultants. The diversity of its membership makes PARC the most comprehensive conservation effort ever undertaken for amphibians and reptiles. PARC is habitat-focused, and centers on endangered and threatened species and keeping common native species common.



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*Editor's Note: Part I of this article appeared in the 2010 Winter issue. It summarized the legal basis for a conservation commission's role in a POCD. Part II describes the elements essential to an open space plan and critical for town approval.*

## Ensuring That Your Open Space Plan is an Important Part of the Plan of Conservation and Development: Part II

by Tom ODell and Ann Letendre

### INTRODUCTION

If your updated Open Space Plan has been reviewed and approved, then the pathway to inclusion in the Plan of Conservation and Development (POCD) has been smoothed. A key message here to Conservation Commissions who will be involved in this process in the near future is to start early and plan ahead. Give yourself at least a year to prepare an approved, updated Open Space Plan before your POCD process begins.

### Part II - IS YOUR OPEN SPACE PLAN READY FOR THE POCD?

An Open Space Plan generally provides recommendations for land to be used for conservation purposes. It also designates areas for preservation as open space. A POCD may include these recommendations provided such designations are approved by a majority vote of the legislative body of the municipality. If you are creating an Open Space Plan for the first time (or revising the plan), you will need to obtain or update the following elements that are essential to the plan, and critical for town approval.

#### Natural Resource Inventory (NRI)

Conducting and maintaining an NRI is a critical step in ensuring that your Open Space Plan is relevant and meaningful to the community. The NRI is essential to making recommendations on the utilization of land areas. There are excellent web sites containing interactive GIS maps of your town that can help. (See "Resources" below). A good place to start is the UCONN Cooperative Extension's NEMO Program (Tools and Resources). The NEMO Community Resources Inventory (CRI) is made up of three different resource inventories (natural, cultural and economic), and will enable you to develop a CRI for your

town. More recent GIS-based NRI on-line mapping, also available for your town, includes information on forest fragmentation, riparian buffers and grass lands. In addition, Connecticut Environmental Conditions On-Line provides maps and geospatial planning for management, planning, education and research.

#### Identify and Map Critical Natural Resources and Habitats

Review current information on statewide wildlife and endangered species habitats to see if your Open Space Plan should be updated to include key wildlife and endangered species habitats. A good start is Connecticut DEP's recent Comprehensive Wildlife Strategy, and

Endangered and Threatened Species web site. Milan Bull's article on Page 1, "Habitat Conservation Begins at the Municipal Level," provides excellent advice; "...identify and prioritize important habitat areas, first for protection, then for compatible uses..." (See "Resources" below).

#### Identify Unprotected Open Space

Make sure your "index" of unprotected open space is updated to the time period of each POCD revision. Review municipal planning and assessor's maps and conduct on-site review to identify parcels that have not been developed. You may also need to determine if an open parcel is protected by conservation restrictions or some other legal document that requires a land area to remain in its natural state. Assessor's records of Public Act 490 lands (forestry, agriculture and open space) should also be reviewed to see if there has been any recent change.

#### Current Community Open Space Priorities

Is your Plan consistent with resident priorities for open space protection? Have priorities changed since the last POCD? If you do not know, find out

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*"Is your Plan consistent with resident priorities for open space protection? Have priorities changed since the last POCD? If you do not know, find out..."*

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*POCD, continued from page 8*

by conducting workshops or surveys to determine current community priorities for protecting and preserving open space. If available, utilize updated GIS maps with town roads and land parcels to show development, protected open space and unprotected open space. Engage natural resource professionals to assist with workshops. State DEP, UConn Cooperative Extension (Forestry, NEMO and CLEAR), and Regional Planning Agencies are excellent resources.

### **Current Protection Mechanisms**

Options that are available in your town to permanently protect open space should be identified in your Open Space Plan. There are a variety of protection mechanisms, some requiring funds for direct purchase such as municipal bonding and cost share with the *State's Open Space and Watershed Land Acquisition Grant Program*. Others require actions by the town planning and zoning agencies such as subdivision permanent open space set-asides and Purchase of Development Rights Programs that pay landowners for conservation easements/restrictions. Protection mechanisms should be described in your open space plan and, when appropriate, protection mechanisms recommended for specific open space parcels identified in the plan for acquisition.

### **Town Approval Process for Open Space Plan**

Identify who needs to review and approve a new or revised Open Space Plan to make it an official town document. This process, if defined, can vary from town to town. Usually, the approval process starts with the Planning Commission, since Connecticut State Statutes, Section 8-24, require the Planning Commission to confirm that all proposed land acquisitions comply with the POCD.

*Tom Odell is Chairman of the Westbrook Conservation Commission, and is currently on the Westbrook POCD Steering Committee; he is editor of The Habitat.*

*Ann Letendre served on the Vernon Conservation Commission and participated in the Vernon POCD process.*

### **Resources for Open Space Plans and the POCD Process**

#### **Articles/Publications:**

Jim Gibbons; "Putting Conservation into the Municipal Planning Process": *The Habitat*, Autumn 1995, Vol. IX No. 3:

Karl Wagener; "Greenway Law Puts New Tools into the Hands of Commissions": *The Habitat*, Autumn 1995, Vol. IX No. 3:

Michael A. Zizka; "What's Legally Required? A Guide to the Rules for making local land-use decisions in the State of Connecticut"; DEP Bulletin 39, 2004

Marjorie Shansky, Attorney; "The Conservation Commission: Your Town's Key to Natural Resource Protection": *The Habitat*, Spring 2005, Vol. XVII No. 2: <http://caciwc.org/library/habitat/index.html>

John Mullaney and Michael O'Leary; "Hebron's Coordinated Approach to Riparian Area Protection": *The Habitat*, Winter 2008, Vol. XX No. 1: <http://caciwc.org/library/habitat/index.html>

#### **NEMO Program websites:**

Tools and Resources: <http://nemo.uconn.edu/tools.htm>.

Community Resource Inventory: <http://clear.uconn.edu/projects/cri/index.htm>,

Forest, grasslands, buffers: <http://clear.uconn.edu/projects/landscape/forestfrag/> and <http://nemo.uconn.edu/tools/fotc/index.htm>.

Ct Environmental Conditions: [www.cteco.uconn.edu/](http://www.cteco.uconn.edu/)

#### **DEP sites:**

Wildlife Strategy: [www.ct.gov/dep/cwp/view.asp?a=2723&q=329520&depNav\\_GID=1719](http://www.ct.gov/dep/cwp/view.asp?a=2723&q=329520&depNav_GID=1719)

Endangered Species: [www.ct.gov/dep/nddbrequest](http://www.ct.gov/dep/nddbrequest).



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# Municipal Inland Wetlands Commissioners Training Program

## State of Connecticut, Department of Environmental Protection

The State of Connecticut Inland Wetlands and Watercourses Act requires at least one member of a municipal inland wetlands agency, or staff of the agency, to complete this training program. In addition, this training program meets the agent training requirements pursuant to CT General Statute Section 22a-42a(c)(2). The Statute requires duly authorized wetland agents to complete the DEP's comprehensive training program before the above authority can be delegated to them by their inland wetlands agency. Agents who have completed all segments of a DEP Municipal Inland Wetland Commissioners Training Program offered annually since 1995 meet this requirement. Other agents must complete all segments of this or a future training program to meet this requirement.

### Segment 1: A Primer for New Inland Wetlands Agency Members and Staff (March/April)

Segment 1 is designed for new agency members and staff. Participants will learn the fundamentals of the Connecticut Inland Wetlands and Watercourses Act. The segment will also include a presentation on map reading, and a brief summary of the functions and values of wetlands and watercourses with a focus on fisheries habitat and stream crossings. The Segment 1 face to face sessions were held in March and early April. However a new Segment 1 - Online Training Option will be available later this year that will allow you to receive the same curriculum and credit for this Segment. If you would like to complete Segment 1 online, go to <http://vista-survey.com/survey/v2/survey2.dsb?ID=7097619499> and provide your contact information. You will be contacted when the online course is available. You may then choose to complete your registration for the same program fee, \$65 per workshop session or free with DEP voucher.

### Segment 2: A Legal, Administrative, and Resource Management Update (May/June)

Segment 2 is recommended for all agency members and staff. DEP representatives will provide a synopsis of the 2011 legislative session, including any amendments to the Inland Wetlands and Watercourses Act. The program will continue with representatives from the Office of the Attorney General presenting

an examination of recent court cases. A number of issues associated with these cases will be discussed including, but not limited to, enforcement of the Inland Wetlands and Watercourses Act, agricultural issues, and the Upland Review Area. This portion of the program will conclude with an open question and answer session.

The second half of Segment 2 will focus on the subject of storm water management. Storm water results from rain or snowmelt that runs off surfaces such as rooftops, paved roads, or parking lots; or infiltrates into the ground. Along the way, the water may pick up and transport contaminants including motor oils, gasoline, antifreeze, brake dust, fertilizers, pesticides, and soil sediments. Storm water may result in significant pollution to surface water affecting aquatic life and recreational activities. Joseph Bushey, Assistant Professor at the University of Connecticut,

*training, continued on page 11*



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training, continued from page 10

Department of Civil & Environmental Engineering, will provide an overview of the storm water topic including a review of different contaminants.

Additionally, municipal land-use decisions, and the design and management of municipal facilities, especially storm water management systems, impact the quality and quantity of surface and ground waters. The U.S. Environmental Protection Agency (EPA) has mandated a number of permit programs to deal with storm water pollution, which are administered in Connecticut by the CT DEP. The DEP Storm Water Permitting and Enforcement Section will discuss these state permit programs, including the Small Municipal Separate Storm Sewer Systems (MS4) General Permit and the specific requirements.

### Register for workshops:

<http://continuingstudies.uconn.edu/professional/dep/wetlands.html#seg2>

### Segment 2: Locations

Saturday, May 21: 9am-4pm, Storrs, UConn

Thursday, May 26: 9am-4pm, Torrington, UConn

Saturday, June 4: 9am-4pm, Old Lyme, DEP Offices

Friday, June 10: 9am-4pm, Bridgeport, Housatonic Community College

Tuesday/Thursday, June 14 and 16; 6:30-9:30PM - Hartford, UConn Business School

### Segment 3: Field Workshop (October-November)

Segment 3 is designed for municipal inland wetlands staff and experienced commission members. This all-day program will provide participants with an introduction to a selected topic, combining classroom instruction and practical experience, often in the field. Information on the special topic and registration for this segment will be available in September.

If you have program content questions, please contact Darcy Winther, Inland Water Resources Division, Bureau of Water Management, DEP, at 860.424.3063 or [Darcy.Winther@ct.gov](mailto:Darcy.Winther@ct.gov).



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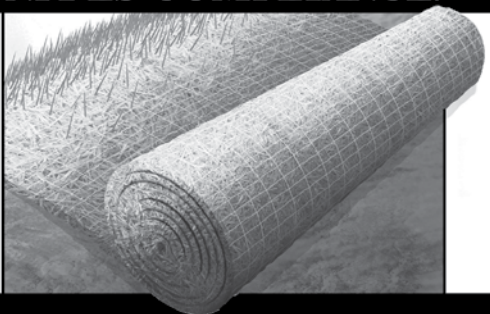
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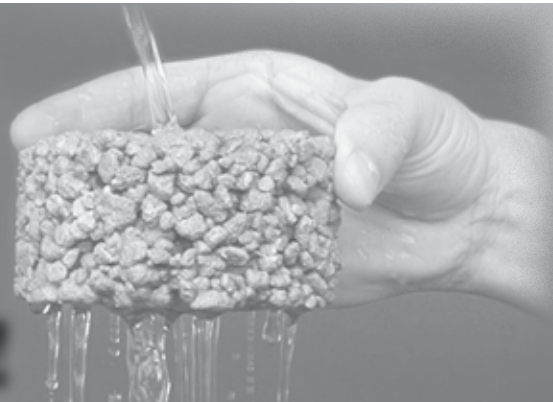
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conservation, continued from page 1

Conservancy, the Town of Weston and the Aspetuck Land Trust. A large block of undeveloped forest and wetland, TBV was owned by a water utility company who strictly enforced a no-trespassing regulation. With little or no human activity for many decades, the forest became a Mecca for many species requiring low human impact, including forest dependant birds. After acquisition, and in response to constituents, Trout Brook Valley is now a maze of hiking, biking and horseback trails and is widely known and heavily used as a dog park. Unquestionably, there is still a wide variety of bird species as well as other wildlife that utilize TBV, but just as certainly, biodiversity and abundance has declined here. Increasing are those species that are well-adapted to suburbia, and although no comprehensive diversity and abundance surveys have been done on the site, observers have noted an understandable decline in other species that nest on or near the ground or are intolerant of proximate human activity. Although some protection is better than no protection, this has left many conservationists who signed petitions in favor of the acquisition scratching their heads.

Clearly, there is need, and indeed room to accommodate all stakeholders in the process of land protection, and this is best accomplished with foresight and planning. Conservation Commissions and Town Planners would best serve the conservation community and the public by working first to identify and prioritize important habitat areas for protection, then for compatible uses. With important habitats identified, trails and other recreational activities can be designed or avoided to reduce negative impacts on sensitive wildlife resources. Also important is the need for cooperative planning among town agencies, as critical habitats are often borderless and green infrastructure, the interconnected network of woodlands, wetlands, farmland and other natural areas often flow from one community to another.

Town planners and Conservation Commissions should assure that there is an up-to-date inventory of all land within their municipality, both public and private, that

is suitable for conservation purposes and establishes a process for keeping that inventory current.

Bird and wildlife habitat, as well as size and proximity to similar adjacent properties, are important considerations in evaluating potential conservation acquisitions. Towns should establish a target for open space protection that is primarily for conservation and limits incompatible uses. Meetings between Conservation Commissions/Town Planners and local State Legislators are often helpful when planning conservation needs and objectives.

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*“Many land trusts and conservation agencies are skilled at land acquisition and conservation easements but need assistance with managing protected land in a way that benefits wildlife and ensures that the land continues to provide quality habitat.”*

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Maintenance and management of protected habitats are often the next challenge faced by municipal as well as private land agencies. The Brown Thrasher and Blue-winged Warbler habitat you just worked so hard to protect will soon transform to mature forest if not managed. Many land trusts and conservation agencies are skilled at land acquisition and conservation easements, but need assistance with managing protected land in a way that benefits wildlife and ensures

that the land continues to provide quality habitat. Fortunately, there are a number of resources available to assist the landowner with land and habitat management. These are available through private, state and Federal agencies.

The CT DEP offers a Landowner Incentive Program which offers technical advice and cost assistance to private landowners for habitat management practices: <http://www.ct.gov/dep/cwp/view.asp?A=2723&Q=325734>, and the U.S. Natural Resource Conservation Service provides help to conservation-minded landowners who want to develop and improve wildlife habitat on agricultural land, nonindustrial private forest land, and Tribal land: <http://www.nrcs.usda.gov/programs/whip/>. Management plans are useful to the government agencies providing assistance to the landowner and ensure that land management practices continue to benefit wildlife habitat.


The Connecticut Audubon Society offers science-based habitat restoration and management plans

conservation, continued on page 14


conservation, continued from page 13  
 through its conservation offices: <http://0323048.netsolhost.com/WordPress/wp-content/uploads/2010/11/CAS-Conservation-Services-brochure-2011.pdf>

Collaboration among public and private agencies, land trusts and conservation organizations has made great strides for land conservation over the last few decades, and regional initiatives in the Northeast, such as Wildlands and Woodlands ([www.wildlandsandwoodlands.org](http://www.wildlandsandwoodlands.org)), provide a vision for a future that supports both biodiversity and economic health for our forests.

A cohesive plan for land acquisition and protection at the local level that is proactive rather than reactive and considers the habitat needs of our declining bird populations is an essential asset for the community, enhances our natural resources and quality of life and will ensure that the song of the Wood Thrush will continue to reverberate throughout our forests.

*Milan Bull is Senior Director of Science and Conservation, Connecticut Audubon Society and Vice-Chairman, Fairfield Conservation Commission.* 

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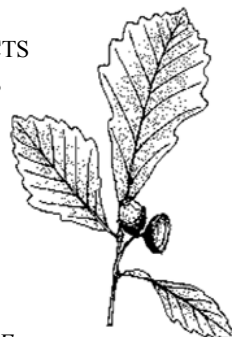
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“Furthermore,” Wagner said, “Data show that residents continue to buy air conditioners and refrigerators that are not ENERGY STAR efficient; this contributes to greater demand for electricity from seldom-used, highly-polluting power plants on the hottest summer days when air quality already is at its worst. So in 2010, we ended up with less air pollution on average but with more days when the air violated health standards – a paradox that can be explained partly by warming temperatures and partly by our continuing use of inefficient air conditioners and refrigerators.”

The core of the report is a standardized set of 33 environmental indicators with which the Council tracks progress in air, water, land and wildlife. A few of those indicators measure human activities that are expected to affect the air, land and water of the future. “Most of those indicators are not encouraging,” Wagner said. “Recycling appears to have stagnated, compliance with environmental regulations took a negative turn in 2010, bus ridership declined, and people’s use of electricity at home went up for the first time in several years.”

Wagner concluded by saying that “the state’s future does not have to be bound by recent trends. The data from our report suggest ways to make the indicators jump toward the target, to get us to our goals in our lifetimes.” Wagner

mentioned four, which are described in a section of the report called “Routes to Progress:”

- Continuous public and private investment in the control of water pollution.
- A plan for conserving farmland, parks, forests, and greenways, which involves determining how much land has already been preserved.
- Incentives for growth and development in the right places, which should help create demand for commercial development of brownfields.
- More widespread use of more efficient refrigerators and air conditioners.

Environmental Quality in Connecticut can be viewed in its entirety on the Council’s web site at [www.ct.gov/ceq/AnnualReport](http://www.ct.gov/ceq/AnnualReport).

*Editor’s Note: The annual report, Environmental Quality in Connecticut, is a paperless web publication. This report marks the 40th anniversary of the CEQ’s establishment. The CEQ is required by law to submit this comprehensive summary of the state’s progress in protecting and improving the state’s air, water, land and wildlife. The summary above is from CEQ’s April 21, 2011 News Release.*



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### “2010 Showed Us What Still Needs To Be Done”

Connecticut’s environment changed very little in 2010, and that will be the story for years to come unless steps are taken to advance the state toward its goals for clean air, sewage-free rivers, and conservation of land. This is the central conclusion of the Council on Environmental Quality’s annual report on the condition of the state’s environment, which was recently submitted to Governor Dannel P. Malloy.

In its cover letter to Governor Malloy, the CEQ said that “For drinking water and wildlife, the lack of change is a good thing; in some other areas the constancy is not encouraging.” The Council’s report gives several examples of where environmental progress has been slow:

- Connecticut residents and businesses have made sizable investments in successful water pollution control projects over the past 40 years, but many miles of rivers and coast still receive raw or poorly-treated sewage and other pollutants.
- The deep waters of Long Island Sound that have low oxygen levels during the summer showed improvement in 2010, but this was preceded by five years of decline.
- Coastal beaches were closed slightly more often, and the cure – control of sewage overflows and polluted runoff – is not in the immediate future.
- Residents breathed unhealthy air on 29 days in 2010, the most since 2005, even as pollution levels improved on most other days to their best levels in decades.

Council Chair Barbara C. Wagner used the air quality data to illustrate the vexing challenges that Connecticut residents face even as they enjoy the benefits of past successes. “Connecticut residents generate less air pollution nearly every year, but the state constantly is battling the weather patterns and warmer temperatures that create unhealthy concentrations of pollution,” Wagner said.

*CEQ continued on page 15*